

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SENSIS, Inc., a California Corporation,

Plaintiff,

v.

Case No. 1:20-cv-00001-RP

THE LASIK VISION INSTITUTE, LLC, a
Delaware Limited Liability company; and
KENNETH MOADEL, an individual and
resident of New York.

Defendants.

AGREED SCHEDULING ORDER¹

Pursuant to Federal Rule of Civil Procedure 16, the following Agreed Scheduling Order is issued by the Court:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before June 8, 2020.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before June 8, 2020, and each opposing party shall respond, in writing, on or before June 22, 2020. All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and responses so the Court may use them in assessing attorney's fees and costs at the conclusion of the trial.
3. Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge" on or before May 20, 2020.
4. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before June 8, 2020.

¹ The parties are mindful of the Coronavirus crisis and the Court's March 25, 2020 Emergency Order, which provides that the Parties may submit this order by May 1, 2020 but does not prohibit early filing. The Parties agree to work together to accommodate any future scheduling difficulties but believe at this time they can proceed with the schedule outlined herein.

5. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before August 24, 2020. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before September 28, 2020. All parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, 15 days from the receipt of the report of the opposing expert.

6. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 11 days from the receipt of the written report of the expert's proposed testimony, or within 11 days from the completion of the expert's deposition, if a deposition is taken, whichever is later.

7. The parties shall complete all discovery on or before December 21, 2020.

8. All dispositive motions shall be filed on or before January 25, 2021 and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.

9. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

The parties shall not complete the following paragraph. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.

10. This case is set for _____ trial commencing at 9:00 a.m. on _____, 20____.

By filing an agreed motion, the parties may request that this Court extend any deadline set in this Order, with the exception of the dispositive motions deadline and the trial date. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

SIGNED on _____, 20_____.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Derek A. Newman

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Counsel for Plaintiff Sensis, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the April 9, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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Counsel for The LASIK Vision Institute

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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Derek A. Newman